

AFFIDAVIT OF NONDEVELOPMENT AND NONPAYMENT OF RENTALS

The State of WEST VIRGINIA,County of MARSHALL,

Owen L. Fetty, of lawful age, being first duly sworn, upon oath deposes and says:

That he is (was) the owner of all or part of the oil, gas and other minerals in or under the lands referred to in that certain oil and gas mining lease dated the 30th day of August, 1977, and which lease is recorded in Book 479, at page 436 of the records of Marshall County, State of West Virginia, which lease covers the following described lands:

21.331 acres in Union District Tax map # 7B parcels # 1 thru 78

That since the date of said lease there has been no well drilled upon said lands, nor any oil or gas produced therefrom.

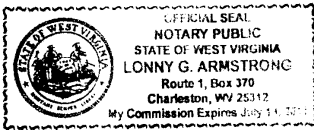
That on or before the 5th day of November, 2009, under the terms of said lease, delay rentals were payable to affiant or to affiant's credit in the depository named in such lease on account of affiant's interest therein, the payment of which was necessary in order to keep the above lease in force and effect. Affiant hereby states that the above payment has never been made to affiant or to affiant's representatives, in money or otherwise, nor has same been deposited to affiant's credit in the depository bank.

Affiant further states that said lease is not expired and that affiant will not, by acceptance of rentals, or in other manner, recognize the same as a valid and existing lease.

Further affiant sayeth not.

Owen L. Fetty
Owen L. Fetty

Subscribed and sworn to before me this 5th day of November, 2009.



Lonny G. Armstrong
Signature/ Notary Public

My commission Expires: July 18, 2011

Jan Pest
MARSHALL County 03:12:02 PM
Instrument No 1279633
Date Recorded 01/04/2010
Document Type O&G
Pages Recorded 1
Book-Page 692-502
Recording Fee \$5.00
Additional \$6.00

Name/ Notary Public(print): Lonny G. Armstrong

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 5th day of November, 2009, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 4th day of January, 2010 at 3:12 o'clock P.M.

TESTE: Jan Pest Clerk.